

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF VIRTUAL PUBLIC HEARING**

**TIME AND PLACE:** **Thursday, April 22, 2021, @ 4:00 p.m. – 2<sup>nd</sup> Case**  
**WebEx or Telephone – Instructions will be provided on**  
**the OZ website by Noon of the Hearing Date<sup>1</sup>**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**Z.C. Case No. 21-01 (Office of Planning – Zoning Map Amendment at Parcels 131/44 & 131/216 [Southeast Corner of the Intersection of 5<sup>th</sup> Street and Rhode Island Avenue, N.E.]**

**THIS CASE IS OF INTEREST TO ANC 5E**

The Office of Planning (“OP”), on behalf of the Deputy Mayor for Planning and Economic Development, filed an application (the “Application”) on January 4, 2021, requesting the Zoning Commission (the “Commission”) approve a proposed amendment of the Zoning Map for Parcels 131/44 and 131/216 (collectively, the “Property”) from PDR-2 zone to the MU-10 zone.

The Property consists of approximately 30,574 square feet of land area at the southeast corner of the intersection of 5<sup>th</sup> Street and Rhode Island Avenue, N.E.

The Application’s proposed rezoning of the Property to the MU-10 zone would change the permitted uses of the Property to allow, among other uses, residential uses that are mostly prohibited in the Property’s current PDR-2 zone. The proposed rezoning would also change the development standards for the Property, including the following:

	<b>Current PDR-2 Zone</b>	<b>Proposed MU-10 Zone</b>
<b>Maximum Height</b>	60 feet	90 feet (100 ft with Inclusionary Zoning (“IZ”))
<b>Maximum FAR</b>	3.0 (4.5 for limited uses)	6.0 (7.2 with IZ); 3.0 maximum non-residential FAR
<b>Maximum Lot Occupancy</b>	60% residential (80% IZ) 100% non-residential	75% residential (80 % with IZ) 100% non-residential
<b>Minimum Green Area Ratio</b>	0.3	0.2

The Generalized Policy Map of the Comprehensive Plan (“CP”) designates the Property as a Neighborhood Conservation Area in which new development should be compatible with the existing scale, natural features, and character of the area, with densities guided by the CP’s Future Land Use Map (“FLUM”) and CP policies.

The FLUM designates the Property as mixed-use of the following two categories:

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<sup>1</sup> Anyone who wishes to participate in this case but cannot do so via WebEx or telephone, may submit written comments to the record. (See p. 3, How to participate as a witness – written statements.)

- High Density Residential, characterized by high-rise apartment buildings, with density typically greater than a 4.0 Floor Area Ratio (“FAR”), although greater density may be possible for IZ developments or Planned Unit Developments (“PUD”); and
- Medium Density Commercial, characterized predominantly by retail, office, and service uses, although residential uses are common, with density typically ranging between 4.0 and 6.0 FAR, although greater density may be possible for IZ developments or PUDs. The proposed MU-10 zone is deemed consistent with this FLUM designation.

The Property is located within the boundary of the Upper Northeast Area Element of the Comprehensive Plan for the National Capital. The Property is also within the boundary of the Rhode Island Avenue “Diamond of the District” Small Area Action Plan (the “SAP”), adopted by the D.C. Council on May 3, 2011, pursuant to PR 19-0019.

The Office of Planning (“OP”) filed a January 4, 2021, report stating that the Application would not be inconsistent with the Comprehensive Plan because:

- The CP specifically identifies the proposed MU-10 zone as consistent with the Property’s Medium-Density Commercial FLUM designation;
- The proposed rezoning would further multiple policies of various CP Elements as well as of the Upper Northeast Area Element;
- The proposed rezoning to the MU-10 zone would permit multi-family residential uses that are prohibited under the Property’s current PDR-2 zoning, but which are identified as appropriate for the Property by the FLUM and Upper Northeast Area Element; and
- The proposed rezoning would be consistent with the SAP’s recommendations for the Property.

The OP Report therefore recommended that the Commission set down the Application for a public hearing.

At its January 14, 2021, public meeting, the Zoning Commission voted to set the Application down for a public hearing as a contested case and requested that the public hearing occur on the same date as Z.C. Case No. 20-23, a similar Zoning Map amendment from PDR-2 to MU-10 for properties located immediately east of the Property.<sup>2</sup>

The complete record in the case can be viewed online at the Office of Zoning’s Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

This public hearing will be conducted in accordance with the contested case provisions of Subtitle Z, Chapter 4, of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified) as well as the text adopted by the Commission on October 15, 2020, in Z.C. Case No. 20-11, as published in the Notice of Final Rulemaking published in the D.C. Register on October 30, 2020.

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<sup>2</sup> The complete case record for Z.C. Case No. 20-23 (LDP Acquisitions, LLC and 525 Rhode Island Avenue, LP – Zoning Map Amendment at Square 3623 and Parcels 131/94, 131/146, 131/147, 131/155, 131/161, 131/162 & 131/217) is available at [https://app.dcoz.dc.gov/CaseReport/CaseReportPage.aspx?case\\_id=20-23](https://app.dcoz.dc.gov/CaseReport/CaseReportPage.aspx?case_id=20-23)

### **How to participate as a witness – oral presentation**

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ's website at <https://dcoz.dc.gov/> or by calling Donna Hanousek at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- |                                     |                         |
|-------------------------------------|-------------------------|
| 1. Applicant and parties in support | 60 minutes collectively |
| 2. Parties in opposition            | 60 minutes collectively |
| 3. Organizations                    | 5 minutes each          |
| 4. Individuals                      | 3 minutes each          |

Pursuant to Subtitle Z § 408.4, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

### **How to participate as a witness - written statements**

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record, provided that **all written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing, unless approved by the Commission upon request to be introduced at the public hearing.** The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov). Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Donna Hanousek at (202) 727-0789 for further assistance.

### **How to participate as a party.**

Any person who desires to participate as a party in this case must so request and must comply with the provisions of Subtitle Z § 404.1. A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Commission, and to exercise the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact OZ at [dcoz@dc.gov](mailto:dcoz@dc.gov) or at (202) 727-6311.

Except for an affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status shall file with the Commission, not less than 14 days prior to the date set for the hearing, or 14 days prior to a scheduled public meeting if seeking advanced party status

consideration, a Form 140 - Party Status Application, a copy of which may be downloaded from OZ's website at: <https://app.dcoz.dc.gov/Help/Forms.html>.

### **"Great weight" to written report of ANC**

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

**FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**ANTHONY J. HOOD, ROBERT E. MILLER, PETER G. MAY, PETER A. SHAPIRO, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**

**Do you need assistance to participate?** If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) five days in advance of the meeting. These services will be provided free of charge.

**¿Necesita ayuda para participar?** Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

**Avez-vous besoin d'assistance pour pouvoir participer ?** Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

**참여하시는데 도움이 필요하세요?** 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

**您需要有人帮助参加活动吗?** 如果您需要特殊便利设施或语言协助服务(翻译或口译)·请在见面之前提前五天与 Zee Hill 联系·电话号码 (202) 727-0312, 电子邮件 [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) 这些是免费提供的服务。

**Quý vị có cần trợ giúp gì để tham gia không?** Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

**ለሙሳተፍ ዕርዳታ ያስፈልግዎታል?** የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።